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Appendix VIII.

[Vide answer to starred question No. 818 asked by Sri K. Sattanatha Karayalar at the meeting of the Legislative Assembly held on 3rd November 1958, page 400 supra.]

Particulars regarding the recommendations and suggestions made at the Conference of the Factory Inspectors and Labour Officers and the action taken thereon.

Main recommendations and suggestions.	*Action taken by Government.*
1 Empowering the Labour Officers to enforce the compulsory attendance of parties and production of documents.	The Industrial Disputes Act has since been amended so as to empower the conciliation officers to call for and inspect any document which they consider to be relevant to the industrial dispute or to be necessary for the purpose of verifying the implementation of any award or carrying out any other duty imposed on him under the Act. It was however considered not desirable to empower the Labour Officers to compel the attendance of parties.
2 Amendment to section 12 (6) of the Industrial Disputes Act so as to alter the time-limit prescribed in it.	A proviso to section 12 (6) of the Industrial Disputes Act has since been added, and this proviso provides that the time for the submission of the conciliation report may be extended by such period as may be agreed upon in writing by all the parties to the dispute.
3 A form of Memorandum of Settlement should be prescribed in the Madras Industrial Disputes Rules as in the Central Rules.	A form has since been prescribed in the Madras Industrial Disputes Rules, 1958, published for eliciting public opinion.
4 Amendment to section 23 (*a*) of the Industrial Disputes Act to prohibit strikes and lockouts during the pendency of conciliation proceedings.	The matter is proposed to be discussed at the ensuing meeting of the Standing Labour Committee convened by the Government of India. Further action will be taken after the views of the Committee are known.
5 The work relating to the scrutiny of claim petitions received under Industrial Disputes (Appellate Tribunal) Act and the work of ordering of recovery may be entrusted to the Industrial Tribunals.	The Labour Courts, Coimbatore, Madras and Madurai, have already been constituted as authorities within their respective jurisdictions to determine the amounts due to workmen.
6 The phrase "the largest number of days" occurring in section 25-B (*a*) of the Industrial Disputes Act may be got clarified.	Necessary instructions have been issued to all Labour Officers to the effect that all the days of lay-off in a period of twelve months should be taken into account for the purpose of eligibility to receive compensations.
7 Penalty for non-implementation of awards or settlement should be enhanced by providing for simple imprisonment besides fine.	The Industrial Disputes Act has since been amended providing for imprisonment extending to a period of six months or fine or with both, for non-implementation of awards.

Main recommendations and suggestions.	Action taken by Government.
8 The question of empowering the Labour Courts to hear individual dispute may be examined.	The Government have under consideration a proposal to set up a separate and self-contained machinery to resolve individual disputes involving dismissals, discharges, etc., of industrial workers.
9 The profit and loss accounts of the management should be made available for inspection by the employees' representatives and necessary proposals should be sent to Government.	This suggestion will be taken into account when proposals for amending the Industrial Disputes Act are taken up.
10 The question whether "badlis" are eligible for lay-off compensation may be elucidated.	Instructions have been issued to the effect that if a "badli" worker has completed one year of continuous service, he would be entitled to lay-off compensation.
11 The Industrial Disputes Act may be amended so as to extend the period of operation of settlement from six months to one year.	This suggestion will be considered when proposals for amending the Industrial Disputes Act are taken up.
12 The Industrial Disputes Act may be amended so as to provide for recovery of benefits due under Memorandum of Settlement as arrears of land revenue.	Section 33 (c) of the Industrial Disputes Act contains necessary provisions in this regard.
13 The scope of the Payment of Wages Act should be extended to all employments.	Legislation to extend the Act to Motor and Transport and Lorry Services is under consideration separately.
14 The Indian Trade Unions Regulations may be amended so as to require the Union to obtain written applications before admitting members.	The Madras Trade Unions Regulations have since been amended suitably in this regard.
15 The recommendations for the elimination of the Kangani system could not be enforced to the extent desired as they do not take statutory force and this may be examined.	It has been decided to defer further action on the question of abolition of Kangani system for the following reasons:— (1) The Kanganis would be eliminated by natural wastage in due course; and (2) such of those as could not be absorbed as regular supervisors were old and illiterate and were due to retire shortly.
16 In the factories in the West Coast there was no roofing for washing places and during the long period of monsoon, the workers were exposed to rain. The rules may therefore be amended so as to insist on provision of roofing for wash rooms in factories.	The West Coast areas have since been integrated with the Kerala State. In respect of the factories situated in the present Madras State there is no need for insisting on the provision of roofing for wash rooms.

17 In factories where 150 workers or more were employed, cloak rooms should be provided.	Draft amendment to the Madras Factories Rules requiring the provision of cloak rooms in large factories have already been published for eliciting public opinion. The question of finalizing the draft amendment is under consideration.
18 Women welfare officers should be appointed in factories where women workers were employed in large numbers.	Necessary draft amendments to the Madras Factories (Welfare Officers) Rules, requiring the appointment of women welfare officers in factories where there are large number of women workers are under consideration.
19 If there was any difficulty in applying the provisions of the Madras Shops and Establishments Act to railway out-agencies, offices belonging to omnibus services, lorry, transport, etc., a notification may be issued under section 2 (3) of the Act, to extend the provisions to those offices.	The offices belonging to motor transport undertaking and omnibus services are now treated as commercial establishments and so far no difficulty has arisen to warrant the issue of notification under section 2 (3).
20 Suggestions for amending sections 2 (12), 4, 14 (2), 11 (1), 16 (1), 17, 30, 41, 43 and 44 of the Madras Shops and Establishments Act.	The question of amending these sections was considered in the context of the question of re-enacting the Madras Shops and Establishments Act on the lines of the Shops and Commercial Establishments (Central) Bill. The Government, however, have come to the decision that there is no need for these amendments as the Act as it stands at present has, on the whole been working satisfactorily, over a period of years and any attempt to refashion the Act at present may raise various other issues and difficulties.
21 In view of the illiteracy of the majority of women workers, the Madras Maternity Benefit Act may be amended so as to make the workers eligible for the benefits even when no notice has been given, if the Inspector concerned is satisfied that the worker is entitled to maternity benefit under the Act.	Necessary amendments have since been made to the Madras Maternity Benefit Act, 1935.
22 A safety wing should be set up in the Office of the Chief Inspector of Factories with an Inspector specialized in safety measures.	The question of setting up small bi-partite committees at the industry-*cum*-local level to pay surprise visits to work-sites with a view to assessing the adequacy of safety measures and recommending suitable measures for reducing the number of accidents is under consideration.
23 Instead of the State Government prescribing standards regarding ventilation and temperature, artificial humidification, and lighting in factories, it would be better if rules are framed to empower the Inspector to issue orders taking into account the conditions existing in a particular locality subject to a provision for appeal.	The same question was discussed at the 11th Conference of the Chief Inspectors of Factories and the views of the conference are being examined by the Commissioner of Labour.

Main recommendations and suggestions.	*Action taken by Government.*
24 An inspection order once issued by an Inspector of Factories to the occupier of a factory may be re-issued in non-appealable form if the same offence is repeated.	An order issued by an Inspector of Factories is always appealable under section 107 and hence this suggestion was dropped.
25 A provision should be made in the Madras Factories (Welfare Officers) Rules, enabling some kind of Government control in the matter of appointment and dismissal of welfare officers in factories.	The question of amending the Madras Factories (Welfare Officers) Rules, so as to provide for a right of appeal to welfare officers dismissed from service is under consideration.
26 The following suggestions should be taken into account in finalizing the provisions of the Madras Shops and Establishments Bills and the Madras Catering Establishment Bills:— (1) Spreadover for children should be provided for. (2) A provision similar to section 63 of the Factories Act should be laid down. (3) The provision for weekly holiday should be recast on the lines of section 52 of the Factories Act. (4) A provision for certifying Surgeons should be laid down. (5) A provision requiring proof regarding members of the family who are employed in the establishment should be laid down.	These suggestions were taken into consideration when the Catering Establishment Bill was enacted. But in regard to the Shops and Establishments Bill, the Government have decided that no amendments are necessary at present.
27 The jurisdiction of the Labour Officer, Tiruchirappalli, should be reduced so as to enable him to deal with disputes promptly and a separate Labour Officer with headquarters at Cuddalore may be appointed.	Proposals submitted by the Commissioner of Labour in this regard are under consideration.
28 The travelling allowance as per Madras Travelling Allowance Rules to Assistant Inspectors of Labour for their work under the Minimum Wages Act may be allowed, as the existing fixed travelling allowance and conveyance allowance were meagre.	Proposals for the sanction of additional staff for the enforcement of the Minimum Wages Act are under consideration. After a decision is taken on this, the question of the revisions of the jurisdictions of the Assistant Inspectors of Labour and the need for allowing travelling allowance under Madras Travelling Allowance Rules will be considered.
29 Conveyance allowance may be granted to all Regional Inspectors of Factories and Inspectors of Factories.	The Inspectors of Factories (Grade I), Madras I, Madras II, Coimbatore, Madurai and Tiruchirappalli, are already drawing conveyance allowance.
30 Higher mileage may be allowed to Inspectors of Factories.	This recommendation was not accepted by the Government.